

Message

From: Soscia, Mary Lou [Soscia.Marylou@epa.gov]
Sent: 10/18/2018 4:25:05 PM
To: Wu, Jennifer [Wu.Jennifer@epa.gov]
CC: Byrne, Jennifer [Byrne.Jennifer@epa.gov]; Lidgard, Michael [Lidgard.Michael@epa.gov]
Subject: FW: Riverkeeper decision - bad news

Jennie:

I am copying JB on this email.
Knowing Ecology, I would expect that they will bring up the Riverkeeper decision in the call.

I recommend that JB be on the call in the beginning so she can speak to implications of that decision and answer any quick questions from Ecology. There are a lot of theories about the implications. JB can provide clear communication about the uncertainty of the next steps from this decision which I think is important so that we do not go down any paths that we do not need to go down at this time.

Mary Lou

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-----Original Message-----

From: Wu, Jennifer
Sent: Wednesday, October 17, 2018 4:56 PM
To: Lidgard, Michael <Lidgard.Michael@epa.gov>; Poulsom, Susan <Poulsom.Susan@epa.gov>; Weber, Courtney <Weber.Courtney@epa.gov>
Cc: Soscia, Mary Lou <Soscia.Marylou@epa.gov>; Palmer, John <Palmer.John@epa.gov>; Merz, Martin <merz.martin@epa.gov>
Subject: FW: Riverkeeper decision - bad news

Mike, Susan and Courtney, (cc: Mary Lou, John, and Martin, although you already have received the original email),

FYI - For purposes of how this affects the Lower Columbia and Lower Snake dam permits and Ecology's consideration of the 401 cert, note that the Columbia River TMDL just got an unfavorable ruling this in this case which essentially is forcing EPA into a Settlement Agreement with Columbia Riverkeeper on the TMDL issuance (otherwise, EPA has to write the TMDL within 60 days - not going to happen).

This is important to know with respect to **Ex. 5 Deliberative Process (DP)**

Ex. 5 Deliberative Process (DP)

-----Original Message-----

From: Cope, Ben
Sent: Wednesday, October 17, 2018 3:02 PM
To: Wu, Jennifer <Wu.Jennifer@epa.gov>
Subject: FW: Riverkeeper decision - bad news

Jenny, FYI on TMDL decision for Columbia. Yipes...!

-----Original Message-----

From: Byrne, Jennifer
Sent: Wednesday, October 17, 2018 1:52 PM
To: Steiner-Riley, Cara <Steiner-Riley.Cara@epa.gov>; Stern, Allyn <Stern.Allyn@epa.gov>; Opalski, Dan <Opalski.Dan@epa.gov>; Chung, Angela <Chung.Angela@epa.gov>; Croxton, David <Croxton.David@epa.gov>; Soscia, Mary Lou <Soscia.Marylou@epa.gov>; Mann, Laurie <mann.laurie@epa.gov>; Cope, Ben <Cope.Ben@epa.gov>; Blount, Keyyana <blount.keyyana@epa.gov>; Merz, Martin <merz.martin@epa.gov>; Labiosa, Rochelle <labiosa.rochelle@epa.gov>; Palmer, John <Palmer.John@epa.gov>
Cc: Fidis, Alexander <Fidis.Alexander@epa.gov>; Schary, Claire <Schary.Claire@epa.gov>
Subject: FW: Riverkeeper decision - bad news

I have not read it at all. Now that I've sent it to you, I will read it and get back to you.

Forwarding this in a hurry. Please send on to anyone I may have missed.

-----Original Message-----

From: Kolman, Chloe (ENRD) [mailto:Chloe.Kolman@usdoj.gov]
Sent: Wednesday, October 17, 2018 1:26 PM

To: Sweeney, Stephen <Sweeney.Stephen@epa.gov>; Byrne, Jennifer <Byrne.Jennifer@epa.gov>
Cc: Buckley, Sarah (ENRD) <Sarah.Buckley@usdoj.gov>
Subject: Riverkeeper decision - bad news

Riverkeeper team -

We just got the order and it's a bummer. I haven't read it in detail, but the summary is we lost and the court gave us 30 days to approve or disapprove the construction submission, and then 30 days after a disapproval (since it basically says it doesn't see how we could approve) to issue the TMDL. The latter is openly intended to force us into settlement with Riverkeeper about an alternative timeframe.

I'll send more once I've had a chance to read it in detail. Please also send some times when you're free to discuss tomorrow or Friday.

Sorry.
Chloe